

**BASS, BERRY & SIMS PLC**  
A PROFESSIONAL LIMITED LIABILITY COMPANY  
ATTORNEYS AT LAW

T. G. PAPPAS  
TEL: (615) 742-6242  
FAX: (615) 742-6293

2700 FIRST AMERICAN CENTER  
NASHVILLE, TENNESSEE 37238-2700  
(615) 742-6200

KNOXVILLE OFFICE:  
1700 RIVERVIEW TOWER  
KNOXVILLE, TN 37901-1509  
(423) 521-6200

November 20, 1997

**HAND DELIVERED**

Mr. K. David Waddell  
Executive Secretary  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, Tennessee 37243-0505

Re: Docket No. 97-00888  
Request for Designation as Eligible Telecommunication Carrier  
West Kentucky Rural Telephone Cooperative, Inc.

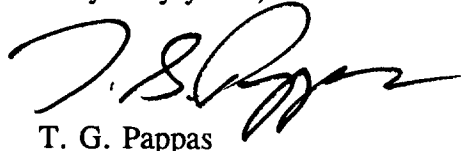
Dear Mr. Waddell:

Enclosed please find an original and thirteen (13) copies of the Request of West Kentucky Rural Telephone Cooperative, Inc. for designation as an Eligible Telecommunications Carrier pursuant to the TRA's Order of November 3, 1997.

We would appreciate it if you would call the filing of this Request to the attention of the Directors for their consideration.

Thanking you, with kindest regards, I remain

Very truly yours,



T. G. Pappas

TGP/bfs:563867

cc: Dr. Austin Lyons  
Dennis McNamee, Esq.  
Thomas Moorman, Esq.  
Counsel of Record  
Glen B. Sears

**AUTHORITY**

**et No. 97-00888**

00888

**Docket No. 97-00888**

## 81

1. As set out in TRA's Order, and pursuant to 47 C.F.R. § 54.201(b) of the rules and regulations of the Federal Communications Commission ("FCC") and 47 U.S.C. § 214(e)(2), the TRA "shall upon its own motion, or upon request, designate a common carrier that meets the requirements of Section 214(e)(1) as an eligible telecommunications carrier for a service area designated by the State Commission." Also, pursuant to 47 U.S.C. § 214(e)(1), a common carrier that has been designated as an eligible telecommunications carrier "shall be eligible to receive universal support in accordance with Section 254."

2. West Kentucky is a "rural telephone company" as defined in 47 U.S.C. § 153(37). West Kentucky meets all of the requirements of an ETC or is entitled to a waiver. Accordingly, in this sworn request West Kentucky affirms that it will: (a) offer and provide the services that are supported by federal universal service mechanisms as defined in 47 C.F.R. § 54.101, except as to the toll control requirement contained within the definition of toll limitation (see paragraph 3 below); (b) provide the services over its own facilities, or a combination of its own facilities and the resale of another carrier's services; (c) that it will advertise the availability of the services that it provides and the charges for those services at each of its business offices, in its telephone directories, and as may otherwise directed by the TRA; and (d) that the service area for which it is requesting ETC status is its incumbent LEC service area which is its "study area," as provided for by 47 U.S.C. § 214(e)(5).

3. With respect to toll limitation services, West Kentucky submits that virtually no LEC in the nation is capable of providing this service as the FCC has defined it. The FCC has defined "toll limitation" as the provision of both toll blocking and toll control. 47 C.F.R. § 54.400(a)(4). West Kentucky believes that the "toll control" requirement was apparently added by the FCC at the final stage of the federal rulemaking without much, if any, comment by LECs. Such service would require real-time capability to record and rate every call instantaneously as the caller attempts to make a toll call. See generally 47 C.F.R. § 54.400(a)(3). The ability to provide this service also assumes that LECs will be able to differentiate between toll calls and other types of calls. West Kentucky has been advised that this misunderstanding regarding rational expectations of LEC capabilities has already been explained to FCC staff, and that the issue will likely be reevaluated in anticipated FCC

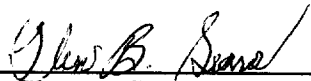
reconsideration orders. West Kentucky is prepared to offer toll blocking. However, it is not prepared to offer toll control for the reasons stated above. Given that the matter of toll control is likely to receive reconsideration West Kentucky requests that, in a manner consistent with the requirements of 47 C.F.R. § 54.101(c), the TRA grant a blanket waiver with respect to the offering of the "toll control" requirement until such time as the FCC acts upon reconsideration requests of its decision to require toll control.


4. West Kentucky respectfully requests that the TRA designate and certify West Kentucky as an Eligible Telecommunications Carrier in its "study area" which is its incumbent

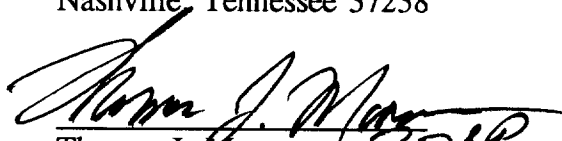
LEC service area and grant the waivers as requested. West Kentucky further requests that such designation be made by the TRA prior to January 1, 1998.

Respectfully submitted,

WEST KENTUCKY RURAL TELEPHONE  
COOPERATIVE, INC.

By:   
Glen B. Sears, General Manager

  
T. G. Pappas (#2787)  
Bass, Berry, & Sims PLC  
2700 First American Center  
Nashville, Tennessee 37238

  
Thomas J. Moorman  
Kraskin & Lesse, LLP  
2120 L Street, N.W., Suite 520  
Washington, D.C. 20037

Attorneys for West Kentucky Rural Telephone Cooperative, Inc.

STATE OF <sup>Kentucky</sup>~~TENNESSEE~~ )  
COUNTY OF <sup>Graves</sup>~~KNOX~~ )

Glen B. Sears, after being duly sworn, states that he is General Manager, a Senior Officer of West Kentucky Rural Telephone Cooperative, Inc., and that he has read the foregoing Request for Certification as an Eligible Telecommunications Carrier to be filed with the Tennessee Regulatory Authority and that the matters stated therein are true to the best of his knowledge, information, and belief, this 19 day of November, 1997.

Glen B. Sears  
Glen B. Sears, General Manager

Sworn to and subscribed before me this 19 day of November, 1997.

Martha A Fisher  
Notary Public

My Commission Expires:

4/29/2000

## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been mailed,  
U. S. mail, postage prepaid, to the following persons, this the 20<sup>th</sup> day of November, 1997.

Henry Walker  
Attorney for NextLink  
P. O. Box 198062  
Nashville, TN 37219

Guilford Thornton  
Attorney for BellSouth Cellular  
424 Church Street  
28th Floor  
Nashville, TN 37219-2386

Mark Pasko  
Swidler & Berlin  
Atty. for AVR d/b/a Hyperion of  
TN  
3000 K Street NW, Suite 300  
Washington, DC 20007-5116

Dana Shaffer  
NextLink Tennessee  
105 Molloy Street  
Suite 300  
Nashville, TN 37201

Chuck Welch  
Attorney for Time Warner  
Nashville City Center  
511 Union Street, Suite 2400  
Nashville, TN 37219

William C. Carriger  
Attorney for Electric Power Bd. of  
Chattanooga  
400 Krystal Building  
One Union Square  
Chattanooga, TN 37402

James B. Wright  
United Telephone-SE  
14111 Capital Blvd.  
Wake Forest, NC 27587-5900

Pam Melton  
Attorney for LCI  
8180 Greensboro Drive, Ste. 800  
McLean, VA 22102

Val Sanford  
Attorney for AT&T  
P. O. Box 198888  
Nashville, TN 37219-8888

Guy W. Hicks  
BellSouth Telecommunications  
333 Commerce Street  
Suite 2101  
Nashville, TN 37201-3300

D. Billye Sanders  
Attorney for TCG MidSouth  
P. O. Box 198966  
Nashville, TN 37219-8966

L. Vincent Williams  
Consumer Advocate  
Cordell Hull Bldg.  
Ground Floor  
Nashville, TN 37243

H. LaDon Baltimore  
Attorney for WorldCom, Ste. 320  
211 Seventh Avenue, N.  
Nashville, TN 37219-1823

Richard Tettlebaum  
Citizens Telecommunications Co.  
Suite 500  
1400 16th Street NW  
Washington, DC 20036


James Lamoureux  
AT&T  
Room 4068  
1200 Peachtree Street, NE  
Atlanta, GA 30309

William Ellenburg  
and Bennett Ross  
BellSouth  
675 West Peachtree Street, NE  
Suite 4300  
Atlanta, GA 30375

Jon Hastings  
Attorney for MCI  
P. O. Box 198062  
414 Union Street, Ste. 1600  
Nashville, TN 37219

Dan Elrod  
Ken Bryant  
Attorneys for GTE Mobilnet  
Nashville City Center, 25th Floor  
511 Union Street  
Nashville, TN 37219

Kim Kirk  
Assistant General Counsel  
Tennessee Department of  
Environment  
and Conservation  
312 8th Avenue North  
Nashville, TN 37243-1548

  
T. G. Pappas